IN THE HIGH COURT OF JUDICATURE AT BILASPUR(CHHATTISGARH)

WRIT PETITION NO. 36 OF 2003

PETITIONER : Shyamlal Tiwari, son of Shri D.P.Tiwari, aged about 70 years, 'Former Vanpal' resident of Village-Kuniary P.O. Godhna, Police Station-Sheorinatayan, District Janjgir Champa, (C.G.)

V E R S U S

RESPONDENTS : 1. State of Chhattisgarh, through Secretary, Forest Department, D.K.S. Bhawan, Raipur, District Raipur, (C.G.)

: 2. Forest Conservator of Forests, Raipur, Forest Department, Raipur, (C.G.)

: 3. Divisional Forest Officer, Raipur, (C.G.)

RIT PETITION UNDER ARTICLES 226/227 OF THE ONSTITUTION OF INDIA.FOR ISSUANCE OF WRIT/WRITS IN IENATURE OF MANDAMUS WRIT OR OTHER SUITABLE RECTION OR DIRECTIONS ORDER OR ORDERS.

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RESP

4. State of M.P. Through Secretary Forest Department
Vallabh Bhavan Bhopal(M.P)

R.K.Pandey.
8.7.2003

5. State of Chhattisgarh
Through Accountant General
Provident fund
D.K. Bhawan , Raipur

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26/12/02
CLERK TO A.G. BILA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.NO.26/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

26.08.2003

Shri Ramakant Pandey, Counsel for the petitioner.

Shri Ranbir Singh, G.A. for the State/respondents No.1 to 3.

Shri Anoop Mazumdar, Counsel for respondent No.4.

None for respondent No.5.

Considering the limited nature of prayer made in this petition, on the prayer of learned counsel for the petitioner and with the consent of the counsel for the respondents, the matter is disposed of finally at this stage.

Aggrieved with the inaction on the part of the respondents in not paying post retiral benefits that are due to him, the petitioner has approached this Court for issuance of an appropriate writ direction or order commanding the Authorities to make the post retiral benefits, which are due and admissible to him.

On notice being issued a return has been filed on behalf of respondents No.1 to 3 paragraph 7 whereof reads thus:

> "7. As regards contents of para 5.3 of the petition it is respectfully submitted that the petitioner was paid all the amount of pensionary benefits except

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the amount of G.P.F. on account of the fact that the application made by him was improper and thereafter he has refused to sign the application for processing his case to the Accountant General. It is respectfully submitted that after having seen the copy of the petition, the D.F.O. of the Raipur Territorial Forest Division Raipur had sent the case of G.P.F. Final payment relating to the account of the petitioner to Accountant General to authorize the final payment but vide letter dated 25-2-2003, the Accountant General has informed that the final payment cannot be authorized to the pensioner without his application and the original pass book with the statement of withdrawals made by him. As the pass book was not available in the Division, therefore the same was reconstituted and thereafter a request was made to the petitioner to submit his application for final payment but the petitioner has refused to sign the application. It is respectfully submitted that because of this reason, the final payment is pending. It is further respectfully submitted that as soon as the petitioner submits his application in the prescribed proforma, the same will be processed from the office of D.F.O. Raipur Territorial Forest Division Raipur for authorization by the Accountant General of Chhattisgarh.

From the above, it is clear that the petitioner has been paid other pensionary benefits which fact is not disputed. The only dispute, which now remains, relates to non-payment of G.P.F.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

In the above view of the matter and in view of the statement contained in paragraph 7 of the return, it is directed that the concerned Officer shall send the appropriate form by Registered Acknowledgement Due post to the petitioner at the address indicated in the writ petition. The petitioner shall send back the completed form duly signed and alongwith all relevant information to the appropriate Authority i.e. D.F.O. Raipur Territorial Forest Division who shall process the application and take appropriate steps promptly. Payment of the amount due and admissible as per rules should be made within a period of three months from the date on which the form is received by the said D.F.O.

With the aforesaid direction/observation, this writ petition stands disposed of. Consequently, I.A.No.168/2003 also stands disposed of.

Certified copy as per rules

Sd/-
P. C. Naik
Judge

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